

Hanford Advisory Board Draft Advice

Topic: Openness of the U.S. Department of Energy's Environmental Management Advisory Board Subcommittee Meetings

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Originating Committee: Public Involvement

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Background

In June 2010, the Tank Waste Cleanup Subcommittee (Subcommittee) of the U.S. Department of Energy's Environmental Management Advisory Board (EMAB) met in Richland, Washington. The Subcommittee discussed and received information about several key elements of Hanford's Waste Treatment Plant (WTP) project. Other than a brief 20 minute period in which invited perspectives were shared from the Washington Department of Ecology and the Hanford Advisory Board's (HAB or Board) Tank Waste Committee, the EMAB Subcommittee meeting was closed to the public.

The successful operation of Hanford's WTP project is vital to protect area residents and the environment from 53 million gallons of high-level nuclear waste stored in 177 aging underground tanks. Vitrifying Hanford's tank waste has been a top Board priority since the Board was created more than 16 years ago.

The Board is greatly disappointed that the EMAB Tank Waste Cleanup Subcommittee meeting was not open to the public. Rather than allowing local or regional stakeholders to participate in or at least observe discussions related to a topic of great regional importance, we are now forced to either travel to the next full EMAB meeting in Santa Fe, New Mexico or call in to find out what recommendations may come from the closed June meeting.

The EMAB serves as your counselor on how to effectively implement the U.S. Department of Energy's Environmental Management program and provides advice on how to overcome obstacles and challenges that threaten the program's timely success. We are concerned that any recommendations that come forward from the Tank Waste Cleanup Subcommittee will have been generated without the benefit of local or regional stakeholder comment or involvement.

We have seen what can happen when significant changes to the direction of Hanford cleanup are proposed in closed forums, and which are then pursued without stakeholder or regulator buy-in, as happened with the tank waste treatment privatization effort and the pursuit of bulk vitrification. These and other such proposals resulted in delays and unnecessary added cleanup costs.

Even if the Subcommittee can legally meet in closed session, doing so is contrary to the spirit of the Federal Advisory Committee Act (FACA), and very much runs counter to President Obama's direction to all federal agencies to create "an unprecedented level of openness in Government..." calling for a "system of transparency, public participation, and collaboration."

FACA was created in 1972 and is the legal foundation for how federal advisory committees operate. The law has special emphasis on open meetings and public involvement, two fundamental principles of the Board.

Furthermore, it is important to remember that on the second day of his Presidency, President Obama instructed the Director of the Office of Management and Budget to issue an Open Government Directive. That Directive was issued in December 2009, and required federal executive departments and agencies to take specific actions towards the goal of creating a more open government. In order to create an unprecedented and sustained level of openness and accountability in every agency, senior leaders were to “strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency.” We believe that closed meetings conflict with this Presidential direction.

Advice

- The Board strongly urges that DOE direct that the EMAB Tank Waste Subcommittee meetings, and all EMAB Subcommittee meetings, be open to the public.
- The Board encourages DOE to consistently implement the Presidential direction for open and transparent government processes in the Environmental Management program. Except where meetings must be closed as required by law (e.g. for national security, personal privacy, or criminal investigation), all such meetings should be open to the public.
- The Board strongly encourages DOE to direct its advisory bodies, such as EMAB, site-specific advisory boards, and others, to work together to leverage the vast technical resources they share when they deal with overlapping or related topics.